

## **EXHIBIT 9**

UNITED STATES DISTRICT COURT  
for the  
NORTHERN DISTRICT OF CALIFORNIA

----- )  
Sergio Ramirez, on behalf )  
of himself and all others )  
similarly situated, ) Civil Action No. 3:12 cv-00632-JSC  
Plaintiff, )  
v. ) AFFIDAVIT  
Trans Union, LLC )  
Defendant. )  
----- )

STATE OF NEW YORK )  
ss.:  
COUNTY OF NASSAU )

PIYUSH BHATIA, being duly sworn, deposes and says:

1. I am Director of Information Security and Risk Management for Dealertrack, Inc. I make this affidavit based on my personal knowledge and I am fully familiar with the facts and processes stated herein.

2. Dealertrack is a Web-based ASP provider of on-demand software and data solutions for the U.S auto finance industry. It operates as an independent service provider to auto dealers and financing sources to facilitate the communications process between these entities to enable customer financing of auto purchases or leases at dealerships. Among the ways Dealertrack helps in this process is by enabling auto dealers who are under contract with consumer reporting agencies to use Dealertrack's secure Web portal to access consumer reports from those consumer reporting agencies on customers where the dealer has a permissible purpose to do so. In this regard, Dealertrack provides a secure and neutral communications channel for consumer reports to be obtained by dealers directly from consumer reporting agencies through our platform. Dealertrack also provides other products to dealers including a Compliance products that provides dealers with tools to comply with certain federal and state laws and regulations including the requirement that customers be checked against the U.S. Treasury Department Office of Foreign Asset Control's ("OFAC") List of Specially Designated Nationals and Blocked Persons ("SDN List") which is a continually-updated list of persons with interests adverse to the United States and with whom auto dealers and other U.S. persons are prohibited from doing business.

3. On or about February 27, 2011 at approximately 5:52pm WDT, one of our dealer clients, Dublin Nissan located in Dublin, CA, accessed the Trans Union ("TU") consumer report of the plaintiff,

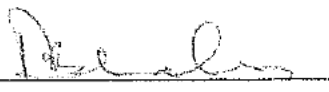
Sergio Ramirez, using Dealertrack as the requesting and transmission platform to obtain the consumer report from TU. Normal authorized Dealertrack dealer user log-in and access procedures were used by the dealer to access this report. A copy of the TU consumer report on Mr. Ramirez is attached as Exhibit A. In performing this service, Dealertrack was not a reseller of the TU consumer report but only provided the delivery mechanism for the report and Dealertrack does not and did not edit or change any of the report's content. The information printed from the Dealertrack secure Website is the full and exact information sent by TU.

4. The TU consumer report indicated on page one that there is an "OFAC Advisor Alert" and that the "input name matches name on the OFAC database." This information was provided directly to the dealer by TU. Dealertrack played no role in the content of the consumer report or the OFAC Advisory Alert contained thereon. We served only as the delivery channel for the dealer to receive the consumer report from TU. Dealertrack keeps its systems and software connecting to TU systems up-to-date for any changes required by TU from time to time.

5. The dealer also used Dealertrack to access a consumer report from Experian. A copy of the Experian report is attached as Exhibit B. The Experian report states under the category "MESSAGES" at the bottom of page 1 that "Name does not match OFAC/PLC List."

6. The dealer as a subscriber to Dealertrack's Compliance product also ran an OFAC using a function in our Compliance product that allows the subscribing dealer to check a customer's name against names on the SDN List. A copy of the response to this request is attached as Exhibit C. It states at the bottom under "OFAC Verification Results" and "OFAC Detail" that "No match found."

IN WITNESS WHEREOF, I have executed this Affidavit on this the 19<sup>th</sup> day of February, 2013.

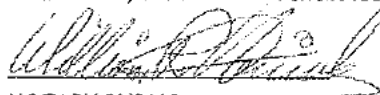
  
Piyush Bhatia

STATE OF NEW YORK )

) ss.:

COUNTY OF NASSAU )

On the 19th day of February in the year 2013 before me, the undersigned, personally appeared Piyush Bhatia, personally known to me and the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual executed the instrument.

  
NOTARY PUBLIC

William R. Herrick  
Notary Public, State of New York  
No. 02HE6136566  
Qualified in Nassau County  
Commission Expires November 14, 2013

EXHIBIT A

## TRANUNION CREDIT REPORT

<FOR> <SUB NAME> <MKT SUB> <INFILE> <DATE> <TIME>  
 (A)0215826 DUBLIN ACQUISITION GR 06 CH 05/95 02/27/11 21:00:08

<SUBJECT> <SSN> <BIRTH DATE>  
 RAMIREZ, SERGIO L. \*\*\*\*-\*\*-4070 04/76

<CURRENT ADDRESS> <DATE RPTD>  
 36910 BOLINA TE, FREMONT, CA 94536 07/08

<FORMER ADDRESS>  
 1518 OXFORD ST, APT.8, REDWOOD CITY, CA 94061 11/06  
 508 ADAMS ST, APT.2, REDWOOD CITY, CA 94062 /

<CURRENT EMPLOYER AND ADDRESS> <POSITION> <VERF> <RPTD> <HIRE>  
 BT PAINTING CO 05/03

<FORMER EMPLOYER AND ADDRESS>  
 BOLAR CELING 03/03

## SPECIAL MESSAGES

\*\*\*OFAC ADVISOR ALERT - INPUT NAME MATCHES NAME ON THE OFAC DATABASE:  
 UST 03 RAMIREZ AGUIRRE, SERGIO HUMBERTO C/O ADMINISTRADORA DE INMUEBLES VIDA, S.A. DE C.V.  
 TIJUANA, MEXICO AFF: SDNTK DOB: 11/22/1951 OriginalSource:\*\*\*

\*\*\*OFAC ADVISOR ALERT - INPUT NAME MATCHES NAME ON THE OFAC DATABASE:  
 OFAC OriginalID: 7176\*\*\*

\*\*\*OFAC ADVISOR ALERT - INPUT NAME MATCHES NAME ON THE OFAC DATABASE:  
 UST 03 RAMIREZ AGUIRRE, SERGIO HUMBERTO C/O DISTRIBUIDORA IMPERIAL DE BAJA CALIFORNIA, S.  
 A. DE C.V. TIJUANA, MEXICO AFF: SDNTK DOB: 11/22/1951 OriginalSource:\*\*\*

\*\*\*OFAC ADVISOR ALERT - INPUT NAME MATCHES NAME ON THE OFAC DATABASE:  
 lSource: OFAC OriginalID: 7176 P ID: 13561\*\*\*

\*\*\*OFAC ADVISOR ALERT - INPUT NAME MATCHES NAME ON THE OFAC DATABASE:  
 UST 03 RAMIREZ AGUIRRE, SERGIO HUMBERTO C/O FARMACIA VIDA SUPREMA, S.A. DE C.V. TIJUANA,  
 MEXICO AFF: SDNTK DOB: 11/22/1951 OriginalSource: OFAC Origin\*\*\*

\*\*\*OFAC ADVISOR ALERT - INPUT NAME MATCHES NAME ON THE OFAC DATABASE:  
 alID: 7176 P ID: 13561\*\*\*

\*\*\*OFAC ADVISOR ALERT - INPUT NAME MATCHES NAME ON THE OFAC DATABASE:  
 UST 03 RAMIREZ RIVERA, SERGIO ALBERTO CEDULA NO: 16694220 (COLOMBIA) POB: CALI, COLOMBIA  
 CALI, COLOMBIA Passport no. AF771317 AFF: SDNT DOB: 01/14/196\*\*\*

\*\*\*OFAC ADVISOR ALERT - INPUT NAME MATCHES NAME ON THE OFAC DATABASE:  
 4 OriginalSource: OFAC OriginalID: 10438 POB: CALI, COLOMBIA Passportissuedcountry: COLOM  
 BIA CEDULA NO: 16694220 (COLOMBIA)\*\*\*

## MODEL PROFILE

\*\*\*FICO RISK SCORE, CLASSIC AUTO 04 : SCORE +743 FACTORS 014/012/010/030:

CREDIT SUMMARY \*\*\*TOTAL FILE HISTORY

PR=0	COL=0	NEG=0	HSTNEG=0-0	TRD=6	RVL=4	INST=0	MTG=2	OPN=5	INQ=3
REVOLVING:	\$3655	\$2450	\$2705	\$0	\$46	0%			
INSTALLMENT:	\$0	\$0	\$0	\$0	\$0	0%			
MORTGAGE:	\$332.3K	\$0	\$320.5K	\$0	\$2314	0%			
CLOSED W/BAL:	\$0	\$0	\$0	\$0	\$0	0%			
TOTALS:	\$335.9K	\$2450	\$323.2K	\$0	\$2360	0%			

## TRADES

SUBNAME	SUBCODE	OPENED	HIGHCRED	TERMS	MAXDELQ	PAYPAT	1-12	MOP
ACCOUNT#		VERIFIED	CREDLIM	PASTDUE	AMT-MOP	PAYPAT	13-24	
ECOA COLLATRL/LOANTYPE		CLSD/PD	BALANCE	REMARKS		MO	30/60/90	
TARGET N.B.	D 12X5001	12/09	\$86			111111111111		R01
		02/11A	\$1000	\$0		1		
I CREDIT CARD		12/10P	\$0			13	00/00/00	
BK OF AMER	B 6331059	05/06	\$2532	MIN31		111111111111		R01
		02/11A	\$0			111111111111		
A			\$2168			48	00/00/00	
CAP ONE	B 1DTV001	10/07	\$833	MIN15		111111111111		R01
		02/11A	\$1250	\$0		111111111111		
I CREDIT CARD			\$537			39	00/00/00	

HSBC BANK	B 7991187	10/06	\$204		111111111111	R01
I CREDIT CARD		01/11A	\$200	\$0	111111111111	
		11/10P	\$0		48 00/00/00	
BACHOMELOANS	B 427S002	07/08	\$332.3K	360M2314	111111111111	M01
C FHA REAL ESTATE MORT		01/11A	\$320.5K	\$0	111111111111	
					30 00/00/00	
BK OF AMER	B 6331062	11/00	\$165.8K	360M1586		M01
C CONVENTIONAL REAL ES		08/02V	\$0	\$0		
		08/02C	\$0	CLOSED	48 00/00/00	

## I N Q U I R I E S

DATE	SUBCODE	SUBNAME	TYPE	AMOUNT
02/27/11	A 0215826	DUBLIN NISSA		
02/27/11	A 0215826	DUBLIN NISSA		
12/09/10	Q 3249015	CBCINNOVIS		

END OF CREDIT REPORT - SERVICED BY :  
 TRANSUNION, 2 BALDWIN PLACE, P. O. BOX 1000, CHESTER, PA. 19022 800-888-4213

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EXHIBIT B



## EXPERIAN CREDIT REPORT

SERGIO RAMIREZ  
36910 BOLINA TER  
FREMONT CA 94536-5618  
RPTD: 08-08 TO 01-10 U 03X

DOB: [REDACTED]

E: BOLAR CEILING  
RPTD: 12-02 I

E: BT PAINTING CO  
MODESTO CA  
RPTD: 08-02 I

\*2616 BRIARCLIFF DR  
RIVERBANK CA 95367-3322  
RPTD: 12-00 TO 06-08 U

\*1518 OXFORD ST APT 8  
REDWOOD CITY CA 94061-2860  
RPTD: 06-06 TO 04-08 U

RAMIREZ SERGIO

PERMISSIBLE PURPOSE CODE: T-00  
DEALER NAME : DUBLIN ACQUISITION GROUP INC

## ----- PROFILE SUMMARY -----

PUBLIC RECORDS-----0	PAST DUE AMT-----\$0	INQUIRIES---4	SATIS ACCTS---6	CNT 0/0/0/0
INSTALL BAL-----\$0	SCH/EST PAY-----\$86+	INQS/6 MO---1	NOW DEL/DRG---0	
R ESTATE BAL--\$320,549	R ESTATE PAY---\$2,314	TRADELINE---6	WAS DEL/DRG---0	
TOT REV BAL-----\$2,705	TOT REV AVAIL-----88%	PAID ACCT---1	OLD TRADE-11-00	

## ----- SCORE SUMMARY -----

EXPERIAN/FAIR ISAAC AUTO LOAN MODEL 2 = +760 SCORE FACTORS: 14/10/05/98

## ----- TRADES -----

SUBSCRIBER	BALDT	BALANCE	MOPAY	PYMTLEV	ACCTCOND	PYMT STATUS
SUB# KOB TYP TRM ECOA OPEN	AMT-TYP1	DEL 1	MAXIMUM	PYMT HISTORY		
ACCOUNT# LSTPD	AMT-TYP2	P/DUE	DEL 2	MOS REV	30/60/90/DRG	
BANK OF AMERICA	08-02			08-02	PAID	CURR ACCT
1880275 BM R/C 30Y	2 11-00	\$165,870-0			B-----CCCCC	
1336142215109					(20)	00/00/00
TARGET NB	02-11	\$0	\$25	02-11	OPEN	CURR ACCT
2218220 BC CRC REV	1 12-09	\$1,000-L				00000000CCCCC
	12-10	\$86-H			(14)	00/00/00
BANK OF AMERICA	02-11	\$2,168	\$31	02-11	OPEN	CURR ACCT
1213727 BC REV	3 05-06	\$21,500-L				CCCCCCCCCCCCC
	02-11	\$2,532-H			(56)	00/00/00
CAP ONE	02-11	\$537	\$15	02-11	OPEN	CURR ACCT
1270246 BC CRC REV	1 10-07	\$1,250-L				CCCCCCCCCCCCC
	01-11	\$833-H			(40)	00/00/00
HSEC BANK	01-11	\$0	\$15	01-11	OPEN	CURR ACCT
3240877 BC CRC REV	1 10-06	\$200-L				0000000000000
	11-10	\$204-H			(51)	00/00/00
BAC HOME LOANS SERVICE	01-11	\$320,549	\$2,314	01-11	OPEN	CURR ACCT
3991532 BM R/F 30Y	2 07-08	\$332,308-0				CCCCCCCCCCCCC
192586922	01-11				(31)	00/00/00

## ----- INQUIRIES -----

CBC/PATELCO CREDIT UNI	12-09-10	1617430 FC	UNK R/C
PATELCO CREDIT UNION	09-18-09	3778654 FC	
BANK OF AMERICA	09-18-09	1197678 BB	
BANK OF AMERICA	06-17-09	1198434 BM	UNK H/E

## ----- MESSAGES -----

0084 SSN MATCHES  
1202 NAME DOES NOT MATCH OFAC/PLC LIST

CONSUMER ASSISTANCE CONTACT: EXPERIAN  
701 EXPERIAN PARKWAY, PO BOX 2002, ALLEN, TX 75013, 888.397.3742



END -- EXPERIAN

**EXHIBIT C**

**DUBLIN ACQUISITION GROUP, INC**Customer Sergio Ramirez**OFAC Verification Results**

<b>Customer Information</b>	
Sergio Ramirez 36910 bolina TERRACE fremont, ca 94536 SS# ***-**-4070	
<b>OFAC Verification Results</b>	
Date	02/27/2011 06:52:11
Status	Complete
OFAC Detail	
No match found	